

#13

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Robert J. Ein	)
Serial No.: 09/769,727	) Art Unit: 3742
Filed: January 26, 2001	) Examiner: John A. Jeffery
For: THERAPEUTIC APPARATUS	)

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MAY 14 2003  
 TECHNOLOGY CENTER R3700

Honorable Commissioner of Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

ATTENTION: Mail Stop Non-Fee Amendment

## LETTER

Sir:

The examiner, referring to the Office communication, dated February 11, 2003, set out for the record an objection directed to the drawing and required applicant to respond to the objection in a separate paper.

The objection was two-fold. First, the examiner objected to all figures of the drawing indicating that the word "Figure" and the accompanying number were too small for clarity. Second, the examiner objected to Figures 4A – 4E for reason that the figures failed to illustrate the lamina of the wrap of the apparatus shown in section by "[p]roper cross-sectional hatching...to properly denote insulative and metallic materials in accordance with MPEP 608.02..." (emphasis in original).

*Approved  
JAS  
5/16/03*

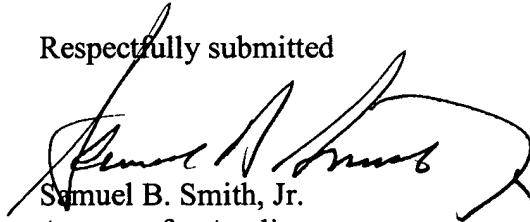
Attached is a copy of each of Figures 2, 3, 4A – 4E, 5 – 18, 19A – 19C, 20 – 25, 26A – 26G and 27A – 27B. Each of Figures 4A – 4E in addition to the enlargement both in presentment of the word “Figure” and the accompanying numeral to provide greater clarity for review, also include proposed amendments, in red, that illustrate the lamina in a cross-hatched state. The remaining figures, i.e., Figs. 2, 3, 5 – 18 and so forth present the word “Figure” and the accompanying number, in red, to provide figure numbers also of a size to provide greater clarity for review.

A copy of Fig. 1 is not attached since the figure number appears to be presented with proper clarity for review.

We trust that the examiner will agree that this response to the drawing objection and its proposed amendments address all issues presented so that the examiner is able to remove this ground of objection.

Applicant will submit the formal drawing at a later date. The formal drawing will include all of the amendments that are agreed to by the examiner.

Respectfully submitted



Samuel B. Smith, Jr.  
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Registration No. 22,278



MAY 9 2003

PTO/SB/17 (05-03)

Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 126)

## Complete if Known

Application Number	09/769,727
Filing Date	January 26, 2001
First Named Inventor	Robert J. Ein
Examiner Name	John A. Jeffery
Art Unit	3742
Attorney Docket No.	104070.113920

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## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	50-1615
Deposit Account Name	Stoll, Keenon & Park

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 126)		

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

(Complete if applicable)

Name (Print/Type)	Samuel B. Smith, Jr.	Registration No. (Attorney/Agent)	22,278	Telephone	859-231-3030
Signature			Date	May 8, 2003	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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